

AN ACT

ENTITLED, An Act to revise certain provisions regarding school attendance.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 13-27-1 be amended to read as follows:

13-27-1. Any person having control of a child, who is six years old by the first day of September and who has not exceeded the age of eighteen, shall cause the child to regularly and annually attend some public or nonpublic school for the entire term during which the public school in the district in which the person resides, or the school to which the child is assigned to attend, is in session, until the child reaches the age of eighteen years, unless the child has graduated or is excused as provided in this chapter. However, the requirements of this section are met if a child who is at least sixteen years of age enrolls in a general education development test preparation program that is school-based or for which a school contracts and the child successfully completes the test or reaches the age of eighteen years.

A child is eligible to enroll in a school-based or school-contracted general education development test preparation program or take the general education development test if the child is sixteen or seventeen years of age, and the child presents written permission from the child's parent or guardian and one of the following:

- (1) Verification from a school administrator that the child will not graduate with the child's cohort class because of credit deficiency;
- (2) Authorization from a court services officer;
- (3) A court order requiring the child to enter the program;
- (4) Verification that the child is under the direction of the Department of Corrections; or
- (5) Verification that the child is enrolled in Job Corps as authorized by Title I-C of the Workforce Investment Act of 1998, as amended to January 1, 2009.

Any child who is sixteen or seventeen years of age and who completes the general education development test preparation program may take the general education development test immediately following release from the school program or when ordered to take the test by a court. Any such child who fails to successfully complete the test shall re-enroll in the school district and may continue the general education development preparation program or other suitable program as determined by the school district.

Any child under age six enrolled in any elementary school or kindergarten program is subject to the compulsory attendance statutes of this state. A waiver of the compulsory attendance requirement for children under the age of seven years of age shall be granted by the school district upon the request of the parents.

Section 2. That section 1 of chapter 80 of the 2006 Session Laws be repealed.

Section 3. That § 13-27-1 be amended to read as follows:

13-27-1. Any person having control of a child, who is not younger than five or older than six years old by the first day of September, or any child who, by the first day of September, is at least six years old, but who has not exceeded the age of eighteen, shall cause the child to regularly attend some public or nonpublic school for the entire term during which the public school in the district in which the person resides, or the school to which the child is assigned to attend, is in session, until the child reaches the age of eighteen years, unless the child has graduated or is excused as provided in this chapter. However, the requirements of this section are met if a child who is at least sixteen years of age enrolls in a general education development test preparation program that is school-based or for which a school contracts and the child successfully completes the test or reaches the age of eighteen years.

A child is eligible to enroll in a school-based or school-contracted general education development test preparation program or take the general education development test if the child is

sixteen or seventeen years of age, and the child presents written permission from the child's parent or guardian and one of the following:

- (1) Verification from a school administrator that the child will not graduate with the child's cohort class because of credit deficiency;
- (2) Authorization from a court services officer;
- (3) A court order requiring the child to enter the program;
- (4) Verification that the child is under the direction of the Department of Corrections; or
- (5) Verification that the child is enrolled in Job Corps as authorized by Title I-C of the Workforce Investment Act of 1998, as amended to January 1, 2009.

Any child who is sixteen or seventeen years of age and who completes the general education development test preparation program may take the general education development test immediately following release from the school program or when ordered to take the test by a court. Any such child who fails to successfully complete the test shall re-enroll in the school district and may continue the general education development preparation program or other suitable program as determined by the school district.

All children shall attend kindergarten prior to age seven. Any child who transfers from another state may proceed in a continuous educational program without interruption if the child has not previously attended kindergarten.

Section 4. The provisions of section 3 of this Act are effective July 1, 2010.

Section 5. The Department of Education may promulgate rules pursuant to chapter 1-26 to establish general education development testing procedures for children who take the test pursuant to § 13-27-1.

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I certify that the attached Act
originated in the

SENATE as Bill No. 126

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 126

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State